

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**DONALD RAY LOGSDON, JR.,**

**Plaintiff,**

**v.**

**No. 21-CV-252-JFH-JAR**

**DORIS CRAWFORD and  
LOYD LONDON,**

**Defendants.**

**CORRECTED OPINION AND ORDER DENYING  
PLAINTIFF’S SECOND MOTION FOR APPOINTMENT OF COUNSEL**<sup>1</sup>

Plaintiff has filed a second motion for appointment of counsel [Dkt. No. 36]. There is no constitutional right to appointment of counsel in a civil case. *Durre v. Dempsey*, 869 F.2d 543, 547 (10th Cir. 1989); *Carper v. DeLand*, 54 F.3d 613, 616 (10th Cir. 1995). The decision whether to appoint counsel in a civil matter lies within the discretion of the district court. *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991). “The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel.” *Steffey v. Orman*, 461 F.3d 1218, 1223 (10th Cir. 2006) (quoting *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004)). It is not enough “that having counsel appointed would [assist the prisoner] in presenting his strongest possible case, [as] the same could be said in any case.” *Steffey*, 461 F.3d at 1223 (quoting *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995)).

The Court again has carefully reviewed the merits of Plaintiff’s claims, the nature of the factual issues raised in his allegations, and his ability to investigate crucial facts. *See McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th

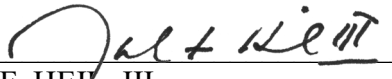
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<sup>1</sup> The Opinion and Order Denying Petitioner’s [sic] Second Motion for Appointment of Counsel entered on April 19, 2022 [Dkt. No. 43], was entered in error and is hereby stricken.

Cir. 1981)). The Court concludes the issues are not complex, and Plaintiff appears capable of adequately presenting facts and arguments.

THEREFORE, Plaintiff's second motion for appointment of counsel [Dkt. No. 36] is DENIED.

IT IS SO ORDERED this 22<sup>nd</sup> day of April 2022.

  
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JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE